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TO:	FROM: Mark M. Takahashi (Reg. No. 38,631)
COMPANY: USPTO Art Unit 2152	DATE: MONDAY, JANUARY 31, 2005
FAX NUMBER: 703 872 9306	TOTAL NO. OF PAGES INCLUDING COVER: 12
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: IRI05446 (010.0199S)
RE: RESPONSE & AMENDMENT	REFERENCE NUMBER: 09/939,155
NOTES/COMMENTS:	


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INTENDED FOR ENTRY**

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number		09/939,155				
	Filing Date		August 24, 2001				
	First Named Inventor		Brian A. Hansche et al.				
	Group Art Unit		2152				
	Examiner Name		Zhong, Chad				
Total Number of Pages in this Submission		11		Attorney Docket Number		IRI05446	

ENCLOSURES			(check all that apply)
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> Response & Amendment <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
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Date	January 31, 2005		

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Typed or printed name	Mark M. Takahashi
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Date	January 31, 2005

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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/939,155 Confirmation No. 4168
Applicant : Brian A. Hansche et al.
Filed : August 24, 2001
TC/A.U. : 2152
Examiner : Zhong, Chad
Docket No. : IRI05446
Customer No. : 29,906

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on JAN. 31, 2005 Signature: 
Mark M. Takahashi

RESPONSE AND AMENDMENT PURSUANT TO 37 C.F.R. § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 15, 2004, please amend the above-identified application as follows:

amendments to the claims are reflected in the listing of claims that begins on page 2 of this paper; and

remarks begin on page 7 of this paper.

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1 5. (Currently Amended) The method for obtaining presence information as claimed
2 in claim 4, wherein the step of transmitting ~~by the presence proxy~~ the presence information ~~to~~
3 ~~the first user~~ further includes the step of transmitting by the presence proxy a plurality of
4 response messages to the first user, each of the plurality of response messages including
5 presence information of one of the plurality of second users.

1 6. (Currently Amended) A method for obtaining presence information by a first
2 user through a first network, the method comprising the steps of:

3 transmitting, by the first user to a presence proxy, a subscribe message for presence
4 information of a plurality of second users ~~to a presence proxy~~;

5 transmitting, by the presence proxy to a plurality of presence agents, a plurality of
6 subscribe messages ~~to a plurality of presence agents~~, each of the plurality of presence agents
7 corresponding to one of the plurality of second users; and

8 transmitting by the presence proxy a single response message including the presence
9 information of each of the plurality of second users.

1 7. (Currently Amended) The method for obtaining presence information as claimed
2 in claim 6, wherein there is further included the step of transmitting, by each of the plurality of
3 presence agents to the presence proxy, the presence information corresponding to at least one of
4 the plurality of second users ~~to the presence proxy~~.

1 8. (Original) The method for obtaining presence information as claimed in claim 6,
2 wherein there is further included a step of storing by the presence proxy the presence
3 information of each of the plurality of second users.

1 9. (Original) The method for obtaining presence information as claimed in claim 8,
2 wherein the step of transmitting a single response message includes the steps of:

3 forming said single response message including the presence information of each of said
4 plurality of second users; and

5 transmitting the formed single response message to the first user.

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1 10. (Original) The method for obtaining presence information as claimed in claim 6,
2 wherein there is further included a step of receiving by the presence proxy at least one response
3 message including presence information from a presence agent located in a second network.

1 11. (Currently Amended) A method for obtaining presence information by a first
2 user through a first network, the method comprising the steps of:
3 transmitting, by the first user to a presence proxy, a subscribe message including an
4 identity of a list of a plurality of second users about which presence information is sought ~~to a~~
5 ~~presence proxy~~;
6 transmitting, by the presence proxy to presence agents, a plurality of subscribe messages
7 ~~to presence agents~~, each of the plurality of subscribe messages corresponding to one of the
8 plurality of second users on the list; and
9 transmitting, by the presence proxy to the first user, the presence information ~~to the first~~
10 ~~user~~.

1 12. (Currently Amended) The method for obtaining presence information as claimed
2 in claim 11 wherein there is further included the step of transmitting, by the presence agents to
3 the presence proxy, presence information concerning each of the plurality of second users ~~to the~~
4 ~~presence proxy~~.

1 13. (Original) The method for obtaining presence information as claimed in claim
2 12 wherein there is further included the steps of:
3 combining by the presence proxy the presence information from the presence agents to
4 produce a combined response message; and
5 transmitting the combined response message to the first user.

1 14. (Original) The method for obtaining presence information as claimed in claim
2 11, wherein the step of transmitting by the first user an identity of a list includes the step of

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3 indicating by the first user the identity of one of a plurality of lists of second users for which to
4 obtain presence information.

1 15. (Original) The method for obtaining presence information as claimed in claim
2 11, wherein the step of transmitting a plurality of subscribe messages includes the step of
3 transmitting at least one subscribe message to a second user in a second network.

1 16. (Original) A method for obtaining presence information by a first user through a
2 first network, the method comprising the steps of:
3 transmitting by a presence agent a notify message to a presence proxy, the notify
4 message including presence information of a second user;
5 transmitting the notify message by the presence proxy to the first user; and
6 storing the presence information of the second user by the presence proxy, if the
7 presence proxy fails to receive an acknowledgment message from the first user.

1 17. (Original) The method for obtaining presence information as claimed in claim
2 16 wherein there is further included a step of regaining access by the first user to the presence
3 proxy through the first network.

1 18. (Original) The method for obtaining presence information as claimed in claim
2 17 wherein there is further included the step of transmitting a subscribe message by the first
3 user, the subscribe message including a request for presence information of a third user.

1 19. (Currently Amended) The method for obtaining presence information as claimed
2 in claim 18 wherein there is further included the steps of:
3 responsive to the step of transmitting a subscribe message for presence information of
4 the third user, transmitting, by the presence proxy to a presence agent, a subscribe message for
5 presence information of the third user ~~to a presence agent~~; and
6 transmitting, by the presence agent to the presence proxy, a response message ~~to the~~
7 ~~presence proxy, the response message~~ including the presence information of ~~the~~ the third user.

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- 1 20. (Original) The method for obtaining presence information as claimed in claim
- 2 19 wherein there is further included the step of transmitting by the presence proxy to the first
- 3 user the presence information of the third user and the presence information of the second user.

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REMARKS

In the November 15, 2004 Office Action, all of the pending claims (claims 1-20) were rejected. This Response amends claims 1, 2, 4-7, 11, 12, and 19 to correct grammatical or typographical errors or to improve the readability of the claim language. Notably, Applicant submits that the claim amendments do not alter the scope of the original claims, and that the claim amendments were not introduced in response to any prior art rejection. After entry of the foregoing amendments, claims 1-20 (20 total claims; 4 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Section 112 Rejection

Claim 19 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 19 has been amended to correct a typographical error, as identified by the Office Action. Notably, the scope of claim 19 has not been altered.

Applicant notes that the Office Action "rejected" claims 1-23 under §112, yet only specified reasons for the rejection of claim 19. Accordingly, Applicant assumes that the rejection of claims 1-18 and 20 under §112 is inadvertent and requests confirmation of this assumption from the Examiner.

Section 102 Rejection

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Coussement, U.S. Pat. App. No. US 2004/0114441 A1 (hereinafter "Coussement"). Applicant respectfully traverses this rejection.

Coussement generally discloses a distributed hardware/software system for managing the status of human customer representatives (referred to as "agents" in Coussement) working in a communication or call center, such as a customer service call center. The system is designed to monitor and communicate the status of the customer service agents, i.e., whether or not they are present at their workstations, for use by the communication center itself or for the convenience of the customers calling in to the communication center. According to the Office Action, the relevant sections of Coussement can be found at paragraphs 0067 to 0076 of Coussement's specification. A detailed reading of Coussement, however, reveals that it does not teach each and every element recited in Applicant's claims 1-15.

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The system claimed and described by Applicant is significantly different than the Coussement system, and a brief summary of a simplified example system, with reference to Applicant's FIG. 1, will be provided to illustrate these differences. Briefly, the example system described in the application employs four primary components: a first user device (e.g., device 10); a second user device (e.g., device 80); a presence proxy; and a presence agent. The presence agent communicates with one or more second user devices, while the presence proxy communicates with the first user device. The presence proxy communicates with the presence agent (and with potentially any number of other presence agents). The presence proxy facilitates consolidation of messages between the first user device and second user devices, and the presence proxy functions as an "intermediary" between presence agents and the first user device. Notably, this general architecture is not disclosed or suggested by Coussement, as further explained below.

Regarding independent claim 1, the Office Action contends that Coussement teaches the step of "transmitting, by the first user to a presence proxy, a subscribe message for presence information of a second user" as recited in amended claim 1. The Office Action alleges that Coussement discloses this limitation at paragraph 0067. As an initial matter, the Office Action fails to identify anything in Coussement that represents the claimed "first user," "second user," or "subscribe message." Furthermore, paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message. The Office Action also contends that Coussement teaches the step of "transmitting, by the presence proxy to a presence agent, the subscribe message, the presence agent related to the second user" as recited in amended claim 1. The Office Action alleges that Coussement discloses this limitation at paragraph 0067. As an initial matter, the Office Action fails to identify anything in Coussement that represents the claimed "presence agent." Furthermore, paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message from a presence proxy to a presence agent. The Office Action suggests that Coussement's agent systems (see Coussement's FIG. 2, items 73 and 75) are equivalent to Applicant's presence agent. This analysis, however is flawed because Coussement does not teach or suggest the use of a "presence agent" as recited in Applicant's claims. Indeed, even assuming, *arguendo*, that Coussement's agent proxy server 18 can be considered to be akin to Applicant's presence proxy, the agent proxy server 18 communicates

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directly with the end user terminals without the use of a presence agent as recited in Applicant's claims.

For purposes of this traversal, claim 1 is representative of all the independent claims in the application (claims 1, 6, 11, and 16). In particular, the Office Action either mischaracterizes the Coussement disclosure or erroneously concludes that Coussement teaches some of the recited limitations. In other words, Applicant submits that Coussement is an inappropriate reference that simply does not teach the claimed subject matter. Should the Examiner decide to maintain this §102 rejection of claims 1-15, Applicant respectfully requests the Examiner to provide specific citations to the relevant sections of Coussement that allegedly teach the recited limitations.

For at least the above reasons, Coussement does not anticipate the invention of independent claims 1, 6, and 11. For the same reasons, Coussement does not anticipate the invention of claims 2-5, 7-10, and 12-15, which variously depend from claims 1, 6, and 11. Accordingly, Applicant requests the withdrawal of the §102 rejection of claims 1-15.

Section 103 Rejection

Claims 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Coussement in view of "Official Notice." Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

Claim 16 is an independent claim and claims 17-20 variously depend from claim 16. For the same reasons discussed above in connection with the §102 rejection, Coussement does not teach or suggest the step of "transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user," or the step of "transmitting the notify message by the presence proxy to the first user." Indeed, the Office Action does not indicate the elements of Coussement that are allegedly equivalent to

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Applicant's "presence agent," "notify message," or "presence proxy," thus making it difficult to respond in detail to the conclusions reached in the Office Action. Should the Examiner decide to maintain this §103 rejection of claims 16-20, Applicant respectfully requests the Examiner to provide specific citations to the relevant sections of Coussement that allegedly teach or suggest the recited limitations.

Applicant has not conceded the "Official Notice" approach taken by the Examiner. Rather, in view of the above remarks, Applicant submits that claims 16-20 are allowable notwithstanding the "Official Notice" proposed by the Examiner.

For at least the above reasons, the proposed modification of Coussement does not teach or suggest each and every limitation recited in any of claims 16-20. Accordingly, claims 16-20 are not unpatentable over Coussement, and Applicant requests the withdrawal of the §103 rejection of those claims.

Conclusion

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,
INGRASSIA FISHER & LORENZ

Dated: January 31, 2005

By:



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